

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RAGHAVENDRAN SHANKAR,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

CASE NO. C24-0308-JCC

ORDER

This matter comes before the Court on Plaintiff's motion to amend judgment (Dkt. No. 76).¹ Having considered Plaintiff's motion and the relevant record, the Court hereby DENIES the motion for the reasons explained herein.

I. DISCUSSION

A. Motion to Amend Judgment (Dkt. No. 76)

Rule 59(e) allows parties to file a motion to amend a judgment. Fed. R. Civ. P. 59(e). Rule 60(b) then allows the Court to relieve a party from a final judgment for "any . . . reason that justifies relief." Fed. R. Civ. P. 60(b). Reconsideration of a final judgment is appropriate under Rule 60(b) if the district court "(1) is presented with newly discovered evidence, (2) committed

¹ Consistent with the Court's prior order (Dkt. No. 68), the Court will only consider Plaintiff's first-filed motion to amend judgment (Dkt. No. 76). It disregards the later-filed motions (Dkt. Nos. 78, 79, 81).

1 clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in
2 controlling law.” *Sch. Dist. No. 1J, Multnomah Cnty., Or. v. ACandS, Inc.*, 5 F.3d 1255, 1263
3 (9th Cir. 1993).

4 Plaintiff has not presented the Court with newly discovered evidence, identified a clear
5 error or manifest injustice in the Court’s dismissal order, or shown an intervening change in
6 controlling law. (*See generally* Dkt. No. 76.) Instead, Plaintiff realleges the same set of facts as
7 with his prior pleadings. (*See generally id.*) Accordingly, the Court DENIES Plaintiff’s motion to
8 amend judgment (Dkt. No. 76).

9 **B. Notice of Possible Vexatious Litigant Order**

10 Based upon the record in this matter, it appears Plaintiff is using the Court as a vehicle to
11 harass and antagonize certain parties, including the Court and its staff, rather than as a forum to
12 resolve a valid dispute. (*See, e.g.*, Dkt. Nos. 42, 76–83, 85) (various documents either describing
13 Plaintiff’s exceptionally litigious behavior or demonstrating his prolific motions practice).
14 Plaintiff also continues to violate the local rules, *despite* the Court’s previous order requiring
15 Plaintiff to comply with the local rules, (*see* Dkt. No. 45 at 1–2), and its numerous admonitions
16 following Plaintiff’s continued noncompliance, (*see* Dkt. Nos. 68 at 1, 74 at 11). Finally,
17 Plaintiff sent 28 e-mails to this Court’s inbox in the span of two days, following the Court’s entry
18 of judgment dismissing Plaintiff’s case with prejudice (Dkt. No. 75). At best, these e-mails
19 constitute *ex parte* communications with the Court attempting to allege facts that support
20 reconsideration of the Court’s judgment; at worst, the e-mails denigrate the Court and its staff
21 with a host of expletives.

22 Litigants may not engage in abusive behavior, either with the Court, its staff, or opposing
23 parties. As such, “[t]here is strong precedent establishing the inherent power of federal courts to
24 regulate the activities of abusive litigants by imposing carefully tailored restrictions under the
25 appropriate circumstances.” *De Long v. Hennessey*, 912 F.2d 1144, 1147 (9th Cir. 1990)
26 (quoting *Tripathi v. Beaman*, 878 F.2d 351, 352 (10th Cir. 1989)). Pursuant to 28 U.S.C. § 1651,

1 the Court may enjoin a vexatious litigant to restrict access to the Court. Before doing so, the
2 litigant must be given notice and a chance to be heard. *De Long*, 912 F.2d at 1148. Accordingly,
3 the Court notifies Plaintiff that any additional frivolous motions, *ex parte* contacts, or abusive or
4 threatening filings or communications with the Court may result in an order imposing pre-filing
5 conditions. Such an order would limit Plaintiff's ability to file frivolous motions and/or bring
6 future claims against Defendant before this Court.

7 II. CONCLUSION

8 For the foregoing reasons, the Court DENIES Plaintiff's motion to amend judgment (Dkt.
9 No. 76). Plaintiff's remaining motions (Dkt. Nos. 77–83, 85) are DENIED as moot.

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11 DATED this 29th day of October 2024.

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15 John C. Coughenour
16 UNITED STATES DISTRICT JUDGE
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